

AMENDED IN ASSEMBLY JUNE 10, 2002
AMENDED IN SENATE JANUARY 23, 2002
AMENDED IN SENATE JANUARY 7, 2002
AMENDED IN SENATE APRIL 16, 2001
AMENDED IN SENATE MARCH 28, 2001

SENATE BILL

No. 247

Introduced by Senator Speier

February 15, 2001

~~An act to add Section 103526 to the Health and Safety Code, relating~~
An act to amend Section 103525 of, and to add Sections 103525.5,
103526, 103526.5, 103527, and 103528 to, the Health and Safety Code,
relating to vital statistics.

LEGISLATIVE COUNSEL'S DIGEST

SB 247, as amended, Speier. Birth *and death* certificates: certified copies: access.

Existing law prescribes the information to be included on a certificate of *death, and on a certificate of live birth*, including specified medical and social information that is required to be kept confidential *as to a birth record*. Existing law requires a State Registrar, local registrar, or county recorder, upon request and payment of the required fee, to supply to any applicant a certified copy of the record of birth *or death*, except information *in a birth record* that is designated confidential.

This bill would ~~define the requirements for those persons who are authorized to request~~ *provide that the State Registrar, local registrar, or county recorder may provide* a certified copy of a birth *or death*

record. ~~These requirements would include submitting to an authorized person, as defined, who submits a statement sworn under penalty of perjury that a~~ the requester is an authorized person. Because the bill would expand the scope of the crime of perjury, the bill would impose a state-mandated local program. If a requester does not meet the requirements of an authorized person, this bill would require the State Registrar, local registrar, or county recorder to issue the certified copy of a birth or death record with a legend stating—~~“FOR INFORMATIONAL PURPOSES ONLY. NOT TO BE USED AS A BASIS FOR PROVING IDENTITY.”~~ By ~~“INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY.”~~ This bill would provide that these provisions would become operative on January 1, 2006.

This bill would, commencing July 1, 2003, require that each certified copy of a birth or death record contain specified information and be printed on sensitized security paper with specified features. This bill would also require the State Registrar, local registrars, county recorders, and county clerks to take precautions to ensure that the security paper is maintained under secure conditions.

This bill would require an applicant for a certified copy of a birth or death record to pay an additional fee of \$2 to be used for specified purposes, including developing safety and security measures to protect against the fraudulent use of birth and death records. This bill would provide that the fee would be reduced to \$0.35 on January 1, 2006.

This bill would require the State Registrar to appoint a vital records protection advisory committee to, among other things, study and make recommendations to protect individual privacy, inhibit identity theft, and prevent fraud involving birth and death certificates while still preserving access to those seeking it for legitimate purposes. The bill would require the State Registrar to appoint specified individuals to the committee for a term of 3 years, except as provided, on a staggered basis.

This bill would authorize the department to create an automated system to accomplish these provisions.

By imposing new duties on local ~~registrars and county recorders~~ officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund

to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 103525 of the Health and Safety Code*
2 *is amended to read:*

3 103525. (a) The State Registrar, local registrar, or county
4 recorder shall, upon request and payment of the required fee,
5 supply to any applicant a certified copy of the record of any birth,
6 fetal death, death, marriage, or marriage dissolution registered
7 with the official.

8 When the original forms of certificates of live birth furnished by
9 the State Registrar contain a printed section at the bottom
10 containing medical and social data or labeled "Confidential
11 Information for Public Health Use Only," that section shall not be
12 reproduced in a certified copy of the record except as specifically
13 authorized in Section 102430.

14 (b) *Notwithstanding subdivision (a) or any other provision of*
15 *law, commencing January 1, 2006, the State Registrar, local*
16 *registrar, or county recorder shall provide certified copies of birth*
17 *and death records only as authorized under Section 103526.*

18 SEC. 2. *Section 103525.5 is added to the Health and Safety*
19 *Code, to read:*

20 103525.5. (a) *Until January 1, 2006, in addition to the fees*
21 *prescribed by Sections 103625 and 103626, an applicant for a*
22 *certified copy of a birth or death record shall pay an additional fee*
23 *of two dollars (\$2). Commencing January 1, 2006, this fee shall*
24 *be reduced to thirty-five cents (\$0.35).*

25 (b) *Until January 1, 2006, each local registrar or county*
26 *recorder collecting the fee pursuant to this section shall transmit*

1 one dollar and sixty-five cents (\$1.65) of the fee to the State
2 Registrar by the 10th day of the month following the month in
3 which the fee was received. These funds, and fees collected by the
4 State Registrar pursuant to this section, shall be used by the State
5 Registrar, upon appropriation by the Legislature, to develop safety
6 and security measures to protect against fraudulent use of birth
7 and death records, including, but not limited to, computerizing
8 records, redacting and removing signatures as required by law, and
9 electronically distributing redacted records to local registrars and
10 county recorders for their use in complying with Sections 103526
11 and 103526.5.

12 (c) Thirty-five cents (\$0.35) of the fee specified in subdivision
13 (a) shall be retained by the public official charged with the
14 collection of the fee to defray the costs of the additional security
15 features required by Sections 103526 and 103526.5.

16 (d) The entire amount of the fee collected pursuant to
17 subdivision (c) by the State Registrar shall be retained and used
18 by the State Registrar, upon appropriation by the Legislature, for
19 the purpose specified in subdivision (c). The entire amount of the
20 fee collected by the local registrar or county recorder pursuant to
21 subdivision (c) shall be retained and used by that official for the
22 purpose specified in subdivision (c).

23 SEC. 3. Section 103526 is added to the Health and Safety
24 Code, to read:

25 103526. (a) If the State Registrar, local registrar, or county
26 recorder receives a written request for a certified copy of a birth
27 or death record pursuant to Section 103525 that is accompanied by
28 a notarized statement sworn under penalty of perjury that the
29 requester is an authorized person, *as defined in this section*, that
30 official may furnish a certified copy to the applicant in accordance
31 with Section 103525. If a request for a certified copy of a birth or
32 death record is made in person, the official shall take a statement
33 sworn under penalty of perjury that the requester is an authorized
34 ~~person.~~ person, and that official may then furnish a certified copy
35 to the applicant.

36 (b) In all other circumstances, the certified copy provided to the
37 applicant shall ~~display a legend that states “FOR~~
38 ~~INFORMATIONAL PURPOSES ONLY: NOT TO BE USED AS~~
39 ~~A BASIS FOR PROVING IDENTITY.”~~ The legend shall be
40 ~~written in indelible print or stamped, in bold characters not less~~

1 ~~than one-half inch in height, in close proximity to the space~~
2 ~~reserved for the registrant's name. The State Registrar shall adopt~~
3 ~~regulations to implement this section.~~

4 ~~(b) be an informational certified copy and shall be redacted to~~
5 ~~remove any signatures that appear on the document. The certified~~
6 ~~copy shall display a legend in perforated type that states~~
7 ~~"INFORMATIONAL, NOT A VALID DOCUMENT TO~~
8 ~~ESTABLISH IDENTITY." The legend shall be placed on the~~
9 ~~certificate, as specified in Section 103526.5, in a manner that will~~
10 ~~not conceal information.~~

11 (c) For purposes of this section, an "authorized person" is any
12 of the following:

13 (1) The registrant or a parent or legal guardian of the registrant.

14 (2) A party entitled to receive the record as a result of a court
15 order, or an attorney or a licensed adoption agency seeking the
16 birth record in order to comply with the requirements of Section
17 3140 or 7603 of the Family Code.

18 (3) A member of a law enforcement agency *or a representative*
19 *of another governmental agency, as provided by law,* who is
20 conducting official business.

21 (4) A child, grandparent, grandchild, sibling, spouse, or
22 domestic partner of the registrant.

23 (5) An attorney representing the registrant or the registrant's
24 estate, or any person or agency empowered by statute or appointed
25 by a court to act on behalf of the registrant or the registrant's
26 estate.

27 (6) A funeral director who has contracted with any of the
28 individuals specified in paragraphs (1) to (5), inclusive, to provide
29 funerary services and obtain certified copies of death certificates
30 on the individual's behalf.

31 (d) Informational certified copies of birth and death
32 certificates issued pursuant to subdivision (b) shall only be printed
33 from the single statewide data base prepared by the State Registrar.
34 Birth and death records contained in the statewide data base shall
35 be electronically redacted to remove any signatures for purposes
36 of compliance with this section. Local registrars and county
37 recorders shall not issue informational certified copies of birth and
38 death certificates from any source other than the statewide data
39 base prepared by the State Registrar.

40 (e) This section shall become operative on January 1, 2006.

1 SEC. 4. Section 103526.5 is added to the Health and Safety
2 Code, to read:

3 103526.5. (a) Each certified copy of a birth or death record
4 issued pursuant to Section 103525 shall include the date issued,
5 the name of the issuing officer, the signature of the issuing officer,
6 whether that is the State Registrar, local registrar, county recorder,
7 or county clerk, or an authorized facsimile thereof, and the seal of
8 the issuing office.

9 (b) (1) All certified copies of birth and death records issued
10 pursuant to Section 103525 shall be printed on chemically
11 sensitized security paper that measures 8¹/₂ by 11 inches and that
12 has the following features:

13 (A) Intaglio print.

14 (B) Latent Image.

15 (C) Fluorescent, consecutive numbering with matching bar
16 code.

17 (D) Microprint line.

18 (E) Prismatic printing.

19 (F) Watermark.

20 (G) Void pantograph.

21 (H) Fluorescent security threads.

22 (I) Fluorescent fibers.

23 (J) Any other security features deemed necessary by the State
24 Registrar.

25 (2) In addition to the security features required by paragraph
26 (1), commencing January 1, 2006, the security paper used for
27 informational certified copies of birth and death records pursuant
28 to subdivision (b) of Section 103526 shall also contain a statement
29 in perforated type that states "INFORMATIONAL, NOT A VALID
30 DOCUMENT TO ESTABLISH IDENTITY."

31 (c) The State Registrar, local registrars, county recorders, and
32 county clerks shall take precautions to ensure that uniform and
33 consistent standards are used statewide to safeguard the security
34 paper described in subdivision (b), including, but not limited to,
35 the following measures:

36 (1) Security paper shall be maintained under secure conditions
37 so as not to be accessible to the public.

38 (2) A log shall be kept of all visitors allowed in the area where
39 security paper is stored.

1 (3) All spoilage shall be accounted for and subsequently
2 destroyed by shredding on the premises.

3 (d) This section shall become operative on July 1, 2003.

4 SEC. 5. Section 103527 is added to the Health and Safety
5 Code, to read:

6 103527. (a) The State Registrar shall appoint a Vital Records
7 Protection Advisory Committee to study and make
8 recommendations to protect individual privacy, inhibit identity
9 theft, and prevent fraud involving birth and death certificates
10 while providing needed access to birth and death record
11 information to those seeking it for legitimate purposes. The
12 committee shall have the following duties:

13 (1) Review and make recommendations as to the adequacy of
14 procedures to safeguard individual privacy and prevent fraud,
15 while ensuring appropriate access to birth and death records.

16 (2) Make recommendations to the State Registrar as to items
17 that should be redacted from informational certified copies of birth
18 and death certificates issued pursuant to Section 103526.

19 (3) Make recommendations to the State Registrar regarding
20 fraud prevention measures concerning vital records.

21 (b) The committee shall include representatives from private
22 and governmental entities that use vital records as identity or legal
23 documents, consumers, law enforcement officials, genealogists,
24 and organizations that research vital records for legal or social
25 purposes. The State Registrar shall make every effort to ensure that
26 committee membership also represents the community at large.

27 (c) (1) Except as provided in paragraph (2), membership on
28 the committee shall be for a term of three years.

29 (2) Appointments shall be made on a staggered basis to allow
30 for a change of one-third of the membership on an annual basis.
31 One-third of the initial committee membership shall be appointed
32 to one-year terms, and one-third of the initial committee
33 membership shall be appointed to two-year terms.

34 SEC. 6. Section 103528 is added to the Health and Safety
35 Code, to read:

36 103528. The department may create an automated system for
37 the purposes of implementing Sections 103525, 103525.5,
38 103526, and 103526.5.

39 ~~SEC. 2.—~~

1 *SEC. 7.* No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution for
3 certain costs that may be incurred by a local agency or school
4 district because in that regard this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

10 However, notwithstanding Section 17610 of the Government
11 Code, if the Commission on State Mandates determines that this
12 act contains other costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code. If the statewide cost of the
16 claim for reimbursement does not exceed one million dollars
17 (\$1,000,000), reimbursement shall be made from the State
18 Mandates Claims Fund.

